

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 26 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

GEORGE SPITTAL,

Plaintiff - Appellant,

v.

ROXANNE FINDLAY; et al.,

Defendants - Appellees.

No. 07-15129

D.C. No. CV-06-00655-
WBS/DAD

MEMORANDUM *

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted March 18, 2008 **

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

George Spittal appeals pro se from the district court's order dismissing his
42 U.S.C § 1983 action. We have jurisdiction pursuant to 28 U.S.C. § 1291. We

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

07-15129

review for an abuse of discretion, *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979), and we affirm.

Construing Spittal's brief liberally to constitute a challenge to the district court's grounds for dismissal, we nevertheless conclude that the district court did not abuse its discretion by dismissing Spittal's action because he failed to oppose the motion to dismiss.

AFFIRMED.